

PROPOSED CONSTITUTIONAL AMENDMENTS

in September in each year, at the State Capitol. The Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

"The Clerk of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall continue in office for the term of his appointment."

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held throughout the state on the first Tuesday after the first Monday in November, A.D. 1966, at which election each voter opposing said proposed Amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

"FOR the Amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said court."

Each voter favoring said proposed Amendment shall scratch off the ballot in the same manner the following words printed on said ballot:

"AGAINST the Amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the Constitution of this state.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be held as provided by the Constitution and laws of this state.

Passed the Senate on April 13, 1965: Yeas 30, Nays 0; passed the House on May 5, 1965: Yeas 122, Nays 9.

Signed by the Governor May 21, 1965.

PROPOSED CONSTITUTIONAL AMENDMENT—TEACHER RETIREMENT SYSTEM

S. J. R. No. 27

Proposing an Amendment to the Constitution of the State of Texas, amending Article III of the Constitution of the State of Texas by adding a new Section thereto to be designated Section 48b, so as to create as an agency of the State of Texas the Teacher Retirement System of Texas, vesting the general administration and responsibility of the proper operation of said system in a state board of trustees to be known as the State Board of Trustees of the Teacher Retirement System of Texas, authorizing said Board to invest assets of said system in various obligations and subjects of investment, subject to certain restrictions stated therein and such other restrictions as may hereafter be provided by law; providing that such Amendment shall be self-enacting and shall not alter, amend or repeal Section 48a of Article III of the Constitution of Texas or any legislation passed pursuant thereto except insofar as such legislation may limit or restrict the provisions of this Amendment; providing for the necessary election, form of ballot, proclamation, and publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding Section 48b thereto which shall read as follows:

59TH LEGISLATURE—REGULAR SESSION

"Section 48b. There is hereby created as an agency of the State of Texas the Teacher Retirement System of Texas, the rights of membership in which, the retirement privileges and benefits thereunder, and the management and operations of which shall be governed by the provisions herein contained and by present or hereafter enacted Acts of the Legislature not inconsistent herewith. The general administration and responsibility for the proper operation of said system are hereby vested in a State Board of Trustees, to be known as the State Board of Trustees of the Teacher Retirement System of Texas, which Board shall be constituted and shall serve as may now or hereafter be provided by the Legislature. Said Board shall exercise such powers as are herein provided together with such other powers and duties not inconsistent herewith as may be prescribed by the Legislature. All moneys from whatever source coming into the Fund to provide retirement, disability, and death benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state and all other securities, moneys, and assets of the Teacher Retirement System of Texas shall be administered by said Board and said Board shall be the trustees thereof. The Treasurer of the State of Texas shall be custodian of said moneys and securities. Said Board is hereby authorized and empowered to acquire, hold, manage, purchase, sell, assign, trade, transfer, and dispose of any securities, evidences of debt, and other investments in which said securities, moneys, and assets have been or may hereafter be invested by said Board. Said Board is hereby authorized and empowered to invest and reinvest any of said moneys, securities, and assets, as well as the proceeds of any of such investments, in bonds, notes, or other evidences of indebtedness issued, or assumed or guaranteed in whole or in part, by the United States or any agency of the United States, or by the State of Texas, or by any county, city, school district, municipal corporation, or other political subdivision of the State of Texas, both general and special obligations; or in home office facilities to be used in administering the Teacher Retirement System including land, equipment, and office building; or in such corporation bonds, notes, other evidences of indebtedness, and corporation stocks, including common and preferred stocks, of any corporation created or existing under the laws of the United States or of any of the states of the United States, as said Board may deem to be proper investments; provided that in making each and all of such investments said Board shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as probable safety of their capital; and further provided, that a sufficient sum shall be kept on hand to meet payments as they become due each year under such retirement plan, as may now or hereafter be provided by law. Unless investments authorized herein are hereafter further restricted by an Act of the Legislature, no more than one per cent (1%) of the book value of the total assets of the Teacher Retirement System shall be invested in the stock of any one (1) corporation, nor shall more than five per cent (5%) of the voting stock of any one (1) corporation be owned; and provided further, that stocks eligible for purchase shall be restricted to stocks of companies incorporated within the United States which have paid cash dividends for ten (10) consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors; and provided

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further, that so long as less than \$500,000,000 of said Fund is invested in the government and municipal securities enumerated above, not more than thirty-three and one-third per cent ($33\frac{1}{3}\%$) of the Fund shall be invested at any given time in common stocks. This Amendment shall be self-enacting and shall become effective immediately upon its adoption without any enabling legislation. This Section shall not alter, amend or repeal the first paragraph of Section 48a of Article III of the Constitution of Texas as amended November 6, 1956, or any legislation passed pursuant thereto. This Section shall not alter, amend or repeal the second paragraph of Section 48a of Article III of the Constitution of Texas as amended November 6, 1956, or any legislation passed pursuant thereto, except insofar as the provisions of the second paragraph of Section 48a and any legislation passed pursuant thereto, may limit or restrict the provisions hereof and only to the extent of such limitation or restriction."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on November 2, 1965, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment amending Article III of the Constitution of the State of Texas by adding Section 48b relating to the Teacher Retirement Fund and the Teacher Retirement System of Texas, revising provisions for investment of moneys and other assets of the Fund, and changing other existing provisions and making other new provisions with respect to the administration of the Teacher Retirement System."

"AGAINST the Constitutional Amendment amending Article III of the Constitution of the State of Texas by adding Section 48b relating to the Teacher Retirement Fund and the Teacher Retirement System of Texas, revising provisions for investment of moneys and other assets of the Fund, and changing other existing provisions and making other new provisions with respect to the administration of the Teacher Retirement System."

Sec. 3. The Governor of Texas shall issue the necessary Proclamation for the election and this Amendment shall be published in the manner and for the length of time required by the Constitution and laws of this state.

Passed by the Senate on March 10, 1965: Yeas 28, Nays 0; Senate concurred in House amendments on March 31, 1965: Yeas 31, Nays 0; passed by the House on March 31, 1965, with amendments: Yeas 145, Nays 2.

Signed by the Governor April 13, 1965.